

REMARKS

Initially, Applicants thank the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. §119 and receipt of the priority documents.

Additionally, Applicants submit that the foregoing amendments address each of the Examiner's objections set forth in pages 2 through 5 of the Office Action.

Claims 1-31 are all the claims pending in the present application. The foregoing claim amendments have been made to recite aspects of the disclosed embodiments more clearly. Support for the foregoing amendments is found throughout the present application. No new matter has been added.

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as anticipated by United States Patent 3,507,308 to White. Applicants respectfully traverse the prior art rejection, and request reconsideration and allowance of all the pending claims based upon the following remarks. Applicants thank the Examiner for indicating that claims 5-24, while objected to, are directed to allowable subject matter.

Aspects of the present invention are directed to a method and apparatus of degassing liquids, such as viscous liquids. The liquid is generally conditioned in a conditioning container at a low pressure or a partial vacuum; degassed liquid is then transferred into a supply container which is arranged downstream of the conditioning container and from which the liquid can then be pumped out so that it can be used. Preferably, a plunger pump is arranged in the supply container (which contains degassed liquid) such that during operation, the cylinder and the piston of the plunger pump are immersed below the surface of the liquid.

As set forth in the present application and as recited in the pending claims, the conditioning container and the supply container are connected by a line or conduit which connects the conditioning container with the supply container *below the liquid level in the supply container*, preventing introduction of additional gasses into the degassed liquid during transfer to the supply container.

Rejections Under 35 U.S.C. §102 Based On White

As noted above, claims 1-4 stand rejected under 35 U.S.C. §102(b) as anticipated by White. To anticipate the pending claims under any of the various subsections of 35 U.S.C. §102, a reference must teach every element recited in the claims. Applicants respectfully submit that the White reference is more deficient than the Examiner acknowledges. Specifically, since the White patent fails to teach every element recited in independent claim 1, the reference is insufficient to anticipate the subject matter recited in claims 1-4, and the rejection under 35 U.S.C. §102(b) is improper.

In particular, the Examiner has stated (at page 5 of the Office Action) that White teaches a supply container (reference numeral 12 in FIGS. 1 and 12) as described in the present application and recited in the pending claims. On the contrary, however, the wheel search unit 12 includes a tire 18 which receives ultrasonic coupling fluid (or "couplant") from the tank 30 through an inlet port (reference numeral 24 in FIG. 1, reference numeral 26 in FIG. 2). *See, e.g.*, White at col. 3, ll. 15-19 and col. 4, ll. 4-11. In either embodiment, the inlet port for receiving the couplant disclosed in White is not arranged as described and claimed in the present application.

Specifically, White fails to teach or even to suggest connecting the conditioning container with the supply container *below* the liquid level of the supply container as recited in claims 1 and 23. In fact, such an arrangement is impossible in the White system, since the hub 16 and tire 18 are *rotatably mounted* on a fixed axle 14; during use, the tire 18 rolls over a surface, creating a "flat" at the contact point. (White at col. 2, ll. 35-55). The structural arrangement of components in the White patent forbids coupling the tire 18 with the tank 30 as set forth in the present application.

At least for the reasons set forth above, the White reference is insufficient to anticipate the pending claims, and the rejection of claims 1-4 under 35 U.S.C. §102(b) is therefore improper. Applicants submit that all of the pending claims are allowable at least for the foregoing reasons.

CONCLUSION

Based upon the foregoing analysis, Applicants respectfully submit that the present application is currently in condition for allowance. The Examiner is encouraged to contact the undersigned if it is believed that a discussion may advance the prosecution of this case.

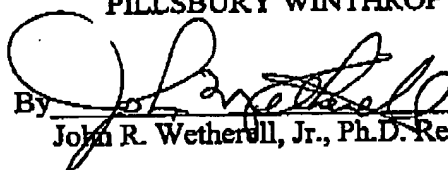
Applicants believe that a fee is required at this time. Please apply any charges or credit any overpayments to Deposit Account No. 50-2212.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: September 12, 2003

By


John R. Wetherell, Jr., Ph.D. Reg. No. 31,678

11682 El Camino Real
Suite 200
San Diego, CA 92130
Facsimile: (858) 509-4010
Telephone: (619) 234-5000
Direct Line: (858) 509-4022